

City Council
Atlanta, Georgia

07-0 -1455

AN ORDINANCE
BY: ZONING COMMITTEE

Z-07-74
Date Filed: 6-25-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **60-64 Mangum Street, S.W., 356 Mitchell Street, S.W., 376 Mitchell, Street, S.W. and the following parcels 14-0084-0004-0196, 14-14-0084-0004-0832, 14-0084-0004-0840, 14-0084-0004-0550, 14-0084-0004-0725, 14-0084-0004-0766,** be changed from the MRC-2-C (Mixed Residential Commercial-Conditional) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and Land Lot 84, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT "A"

RECEIVED
JUN 25 2003
BUREAU OF
PLANNING

Legal Description
(Overall Legal for Title)

2-07-74

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 84, 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at a right-of-way monument found at the intersection of the northerly right-of-way of Markham Street (R/W varies) and the easterly right-of-way of Mangum Street (R/W varies); thence along said right-of-way of Mangum Street along a curve to the right an arc distance of 221.02 feet (being subtended by a chord distance of 219.99, a bearing of North 16 degrees 09 minutes 08 seconds East and a 660.48 foot radius) to a point; thence North 25 degrees 26 minutes 40 seconds East a distance of 88.99 feet to a point; thence along a curve to the right an arc distance of 46.30 feet (being subtended by a chord distance of 43.82 feet, a bearing of North 58 degrees 49 minutes 37 seconds East and a 40.50 foot radius) to a point on the southerly side of Mitchell Street (R/W varies); thence along said right-of-way South 86 degrees 38 minutes 20 seconds East a distance of 157.60 feet to a 1/2 inch rebar set on the westerly right-of-way of Centennial Olympic Park Drive (74' R/W); thence along said right-of-way South 09 degrees 15 minutes 52 seconds West a distance of 75.15 feet to a point; thence along a curve to the right an arc distance of 385.90 feet (being subtended by a chord distance of 384.65 feet, a bearing of South 16 degrees 16 minutes 19 seconds West and a 1385.00 foot radius) to a point on the northerly right-of-way of Chappell Street (R/W varies); thence along said right-of-way along a curve to the right an arc distance of 142.25 feet (being subtended by a chord distance of 129.55 feet, a bearing of South 76 degrees 24 minutes 21 seconds West and a 95.82 foot radius) to a right-of-way monument found; thence along a curve to the right an arc distance of 100.22 feet (being subtended by a chord distance of 94.41 feet, a bearing of North 35 degrees 29 minutes 49 seconds West and a 84.21 foot radius) to a point on the easterly right-of-way of Mangum Street; thence along said right-of-way North 03 degrees 01 minutes 01 seconds East a distance of 50.76 feet to a point on the southerly right-of-way of Markham Street (R/W varies); thence along the westerly end line of Markham Street, said line also being the easterly right-of-way line of Mangum Street (R/W varies), running North 05 degrees 07 minutes 12 seconds East a distance of 41.37 feet to a right-of-way monument found at the intersection of the northerly right-of-way of Markham Street (R/W varies) and the easterly right-of-way of Mangum Street (R/W varies), said point being the POINT OF BEGINNING. Said tract containing 2.3489 acres as shown on survey prepared by Pearson & Associates, Inc., dated November 19, 2002, last revised September 4, 2003.

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 84, 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at a 1/2 inch rebar set at the intersection of the southerly right-of-way of Mitchell Street (R/W varies) and the westerly right-of-way of Centennial Olympic Park Drive (74 foot R/W); thence along said westerly right-of-way of Centennial Olympic Park Drive South 09 degrees 15 minutes 52 seconds West a distance of 75.15 feet to a point; thence continuing along said right-of-way of Centennial Olympic Park Drive along a curve to the right an arc distance of 81.69 feet

(being subtended by a chord distance of 81.68 feet, a bearing of South 09 degrees 58 minutes 47 seconds East and a 1,385.00 foot radius) to a point; thence leaving said right-of-way and running North 86 degrees 33 minutes 37 seconds West a distance of 12.70 feet to a point on the easterly side of Schickan Alley a.k.a. Schicken Alley; thence along the easterly line of said alley running North 03 degrees 31 minutes 04 seconds East a distance of 155.87 feet to a point on the southerly right-of-way of Mitchell Street; thence along said southerly right-of-way of Mitchell Street South 86 degrees 38 minutes 20 seconds East a distance of 29.42 feet to a 1/2 inch rebar set and the POINT OF BEGINNING. Said tract containing .0770 acres as shown on survey prepared by Pearson & Associates, Inc., dated September 11, 2003.

TOGETHER WITH (that is, included as part of the "Less and Except" property) any right, title and interest in and to Schickan Alley a.k.a. Schicken Alley, which may be attributable to the above-described "Less and Except" tract of 0.770 acres, believed to be owned by the City of Atlanta.

↑
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JUN 25 2007
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PLANNING

CONDITIONS FOR Z-07-74 for 60-64 Mangum Street, SW, 356 Mitchell Street, SW, 376 Mitchell Street, SW and the following Parcels 14-0084-0004-0196, 14-14-0084-0004-0832, 14-0084-0004-0840, 14-0084-0004-0550, 14-0084-0004-0725, 14-0084-0004-0766

1. Site Plan similar to the site plan prepared by Lord Aeck & Sargent, dated June 12, 2007 and stamped received by the Bureau of Planning on June 25, 2007. This plan should serve as a conceptual framework for the development of this project and is not intended to allow for minor site plan amendments.
2. Floor area ratio, based on gross land area as proposed, not to exceed 2.50 residential and 0.54 non-residential.

Continued on next page

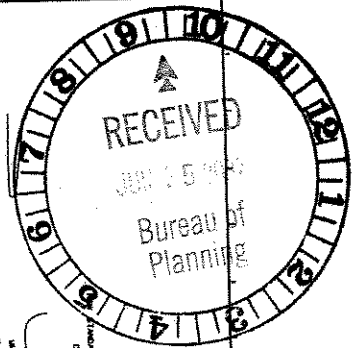
Conditions for Z-07-74 and Z-07-75

Geography, Cultural and Social Plan, prepared by [redacted] ent
Archived [redacted] 10-2007.

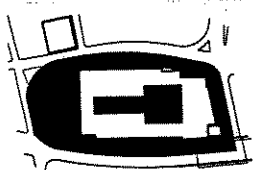
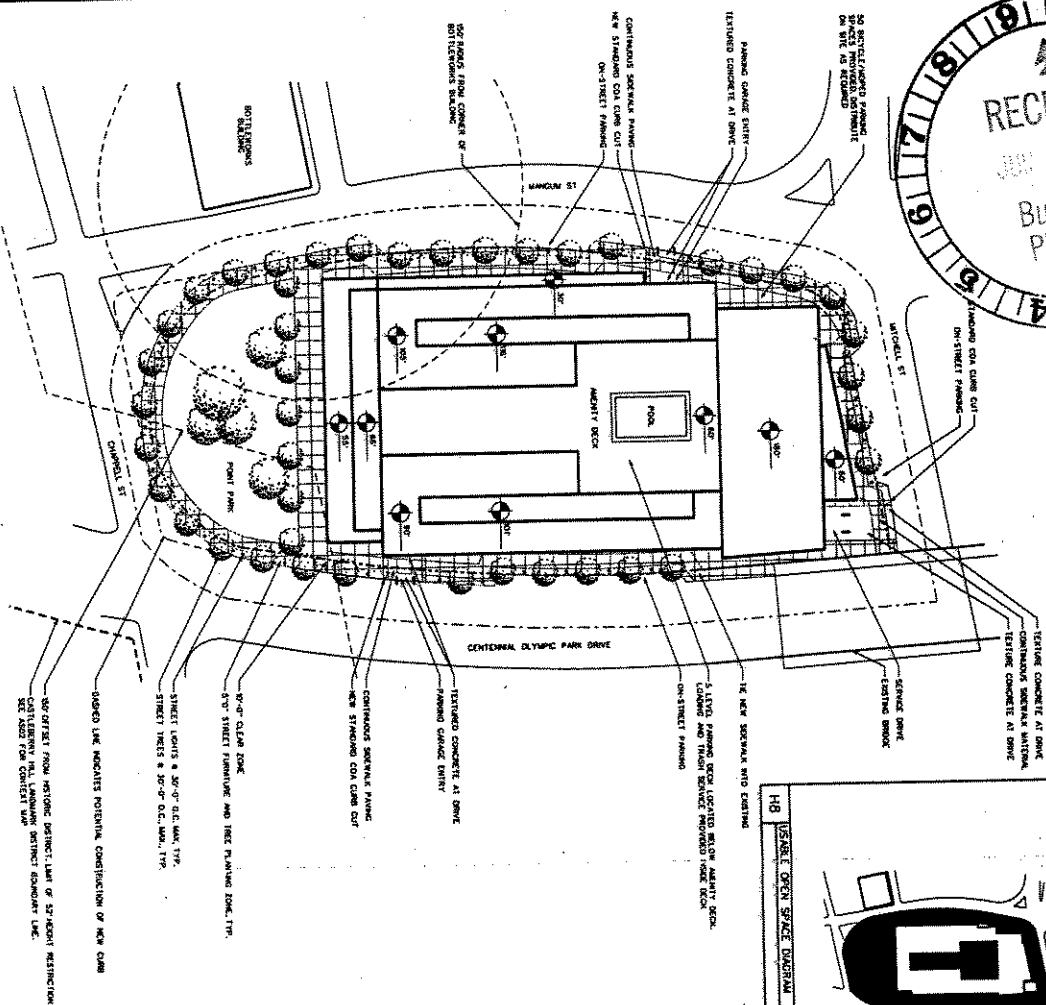
3. The height specification diagram entitled "60 Mangum Street," prepared by Lord, Aeck & Sargent Architecture, dated August 16, 2007, is hereby made a condition of this rezoning and its provisions shall be enforced as such.
 4. No part of the property to be rezoned to MRC-3-C by Ordinance Z-07-74, lying south of the former south right-of-way line of Markham Street (now abandoned), shall be included in this rezoning. Said property shall remain zoned MRC-2-C, but shall be subject to the conditions of this ordinance.
 5. The subject property will remain governed by all provisions and conditions of Ordinance Z-06-43 (06-0-0785), except the condition entitled "Specific MRC-2-C Conditions" (maximum building heights). A copy of Ordinance Z-06-43 is attached for reference purposes.
 6. The data tables included as part of the site plan and height specification diagram, referenced in Conditions 1 & 2 above, specifying the floor area ratios (FAR), the types of use, the number of residential units, the parking provisions, the open space specifications, the height of each element and the method of measuring each element's height shall be considered "written" conditions and shall not be subject to the Administrative Site Plan Amendment procedures, but rather shall require approval by the City Council subsequent to the required public hearing procedures.
- ~~Any proposed amendments to the site plan and height specification diagram shall be submitted to the Castleberry Hill Neighborhood Association and the City Council prior to the submission of said amendment to the City.~~
7. The specific design of the park space, shown at the southern end of this property on the conditional site plan, shall be finalized in consultation with the Castleberry Hill Neighborhood Association. Park design elements may be approved by Administrative Site Plan Amendment as required.

The [REDACTED] [REDACTED] [REDACTED]
Coastal [REDACTED] [REDACTED] [REDACTED]
referenced peak prior to the peak [REDACTED]. The pa.

- * The CHNA shall provide the Bureau of Planning a letter of evidence of CHNA's approval of the park space design



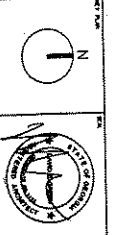
ARCHITECTURAL SITE PLAN



USABLE OPEN SPACE MATERIAL

Category	Item	Value	Unit
Total Area	Site Area	100,000	Sq. Ft.
	Impervious Area	25,000	Sq. Ft.
	Permeable Area	75,000	Sq. Ft.
	Water Area	0	Sq. Ft.
Stormwater Management	Detention Volume	10,000	Cu. Yd.
	Retention Volume	5,000	Cu. Yd.
	Permeable Area	75,000	Sq. Ft.
	Water Area	0	Sq. Ft.
Energy	Roof Area	10,000	Sq. Ft.
	Wall Area	20,000	Sq. Ft.
	Floor Area	10,000	Sq. Ft.
	Water Area	0	Sq. Ft.

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JUN 25 2007
BUREAU OF
PLANNING
2-01.74



[illegible]

INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THE INFORMATION HAS BEEN OBTAINED EITHER ON THE LOCATION OF ABOVE GROUND UTILITIES, AVAILABLE FROM PLANS AND PLATS AND PLATS PLACED BY THE UNDERGROUND PROTECTION SERVICE. NO CORRELATION IS MADE AS TO THE ACCURACY OR INCOMPLETENESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON FOR SETBACK LINES. THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED FIRST TO THE COMPLETION OF ANY AND ALL OTHER SETBACKS REQUIRED.

LAND SURVEYING-ENGINEERING-ESTS PLANNING
DEVELOPMENT-CONSTRUCTION LAYOUT
SMA FOREST PARKWAY
FOREST PARK, GA 30057
(404) 366-7713 (404) 366-0813 (FAX)
E-Mail: psa@comcast.net / smasurveying@aol.com

[illegible]

70: PHYCER STREET DEVELOPMENT, LLC

This is to certify that this map or plot and the survey on which it is based were made in accordance with the minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as duly established and adopted by ALTA, ACSM and signed by the Surveyor General of the State of Florida, Chapter 68B, F.S., Sections 14, 15 and 16 of Title A thereof. Pursuant to the Accuracy Standards set forth by ALTA, MAPS and ACSM and in effect on the date of this certification, undersigned further certifies that the survey measurements were made in accordance with the Uniform General Land Boundaries for ALTA/ACSM Land Title Surveys.

AT THE TIME OF THE SURVEY THIS OFFICE HAS NOT
REVIEWED A CURRENT TITLE COMMITMENT TO ASCERTAIN
IF ANY EASEMENTS AFFECT SUBJECT PROPERTY:
"ALL MATTERS OF TITLE ARE EXCEPTED"

1. B.E.E. HUNT-OF-NEW PEARL PIERCE COUNTY PROJECT NO. H-000072 DATED 3/26/78
2. PLAT SHOWING HUNT & ALEXANDER PURCHASE DATED 12/24/1964 P.B. & PG. 44
3. SURVEY FOR RUTLEDGE TRACT PREPARED BY JIMMY NELSON & ASSOCIATES DATED SEPT. 21 1967 P.B. ON PG. 3
4. SURVEY FOR ATLANTH TERMINAL CO. BY MITCHELL STEWART & MARSHOW ASSOC. DATED JAN. 2 & 1968 P.B. & PG. 32

THIS PLAT IS BASED UPON FIELD DATA WHICH HAS A PRECISION RATIO OF ONE FOOT IN 40,000 FEET. AN AVERAGE ANGULAR ERROR OF 60 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. COMMUNITY MAPS, INC. CONVEYANCE # 2
(ground not patented)

PRYOR STREET DEVELOPMENT, LLC

LAND LOT 84
FULTON COUNTY,
SCALE: 1" = 40'

REVISED NOV. 7, 2003 TO ADD
CERT AND CHANGE NAME

NOVEMBER 19, 2002
REVISED DEC. 18, 2002 TO ADD TOPO
REVISED & UPDATED
SEPTEMBER 4, 2003

PLAT NO. 02-1079188



City Council
Atlanta, Georgia

Per Condition #5

06-O-0785

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-43

AN ORDINANCE TO REZONE FROM C-5-C (CENTRAL BUSINESS SUPPORT-CONDITIONAL), C-3 (COMMERCIAL RESIDENTIAL), I-1 (LIGHT INDUSTRIAL) AND SPI-1 (SPECIAL PUBLIC INTEREST CENTRAL CORE) TO MRC-2-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL), CERTAIN PARCELS LOCATED IN THE CASTLEBERRY HILL NEIGHBORHOOD, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the property located in the Castleberry Hill neighborhood, and more specifically identified on the map attached hereto and incorporated herein by this reference, be changed from C-5-C (Central Business Support-Conditional) C-3 (Commercial Residential), I-1 (Light Industrial) and SPI-1 (Special Public Interest Central Core) to MRC-2-C (Mixed Residential Commercial-Conditional).

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled "Conditional Development" as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

JULY 05, 2006
JULY 12, 2006

Per Condition #5

**CONDITIONS FOR Z-06-43
CASTLEBERRY HILL QUALITY OF LIFE REZONING-MRC-2-C**

APPROVAL of the MRC-2 (Mixed Residential Commercial) conditions on the following:

GENERAL ZONING CONDITIONS:

1. Prohibited principal uses and structures.

- a. Auto service stations, car washes, auto repair facilities, or other uses that include the implementation of gas pumps.
- b. Commercial greenhouses.
- c. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades.
- d. New and used car sales.
- e. Repair garages, paint and body shops.
- f. Security storage centers.
- g. Drive-through service windows and drive-in facilities except for Drug Stores and/or Dry Cleaners.

2. Permitted Accessory Uses and Structures.

Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy not more than 25 percent of the total floor area on the premises.

3. Prohibited special use permits.

- a. Bingo parlors.
- b. Helicopter landing facilities or pickup or delivery stations.
- c. Hospitals.
- d. Park for hire surface parking lots.
- e. Poolrooms, billiard parlors, amusement arcades.
- f. Rooming houses and boardinghouses.
- g. Single room occupancy residences.
- h. Truck stops.

4. Building façade materials.

Brick, stone, and hardcoat stucco systems with a smooth finish shall be the predominant building materials for the facades of the principal structure facing public streets. Brick, stone, and hardcoat stucco systems with a smooth finish, as well as concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any façade.

5. Roofs.

Roofs of new construction, additions or alterations shall either be flat or pitched at a slope not to exceed 2:12, with a maximum peak height no greater than 10 feet. All roofs shall be concealed by a minimum 30 inch parapet wall.

Per Condition #5

6. Roof top structures.
 - a. All principal components of a structure or addition on the roof of a building visible from a public street shall be of formed sheet metal, glass, brick, stone or hardcoat stucco systems.
 - b. The enclosed floor area of a structure shall not exceed 25% of the total roof area, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator and stair landings.
 - c. Enclosed structures shall not exceed 10 (ten) feet in height above the parapet wall and shall be setback no less than 10 (ten) feet from all street-fronting facades.
 - d. All components of an addition on a roof of a principal building shall be set behind the parapet wall.
7. Transitional uses and yards (Section 16-34.009).
 - a. Adjoining lot with same frontage.
This requirement shall also apply to all properties that abut the Castleberry Hill Landmark District (20N).
 - b. Transitional height planes.
This requirement shall also apply to all properties that abut the Castleberry Hill Landmark District (20N).
 - c. Transitional yards.
This requirement shall also apply to all properties that abut the Castleberry Hill Landmark District (20N).
8. Sidewalks.
Public sidewalks shall be located along all public and private streets and shall have a minimum width of ten (10) feet along all streets. The clear zone width shall be a minimum of five (5) feet for all ten (10) foot wide sidewalks. Along Northside Drive, Martin Luther King, Jr. Drive and Centennial Olympic Park Drive sidewalks shall meet the width requirements of the MRC district and any reductions to sidewalk widths shall require approval by the Bureau of Planning, subject to site constraints that are unique to that particular piece of property.
9. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes are prohibited.
10. Tree preservation and replacement.
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26 shall also apply to this district.
11. Any project that includes the use of gas pumps that submits plans for a building permit within 48 hours of Council adoption shall be deemed grandfathered for the purposes of this ordinance and this ordinance only.

Per Condition #5

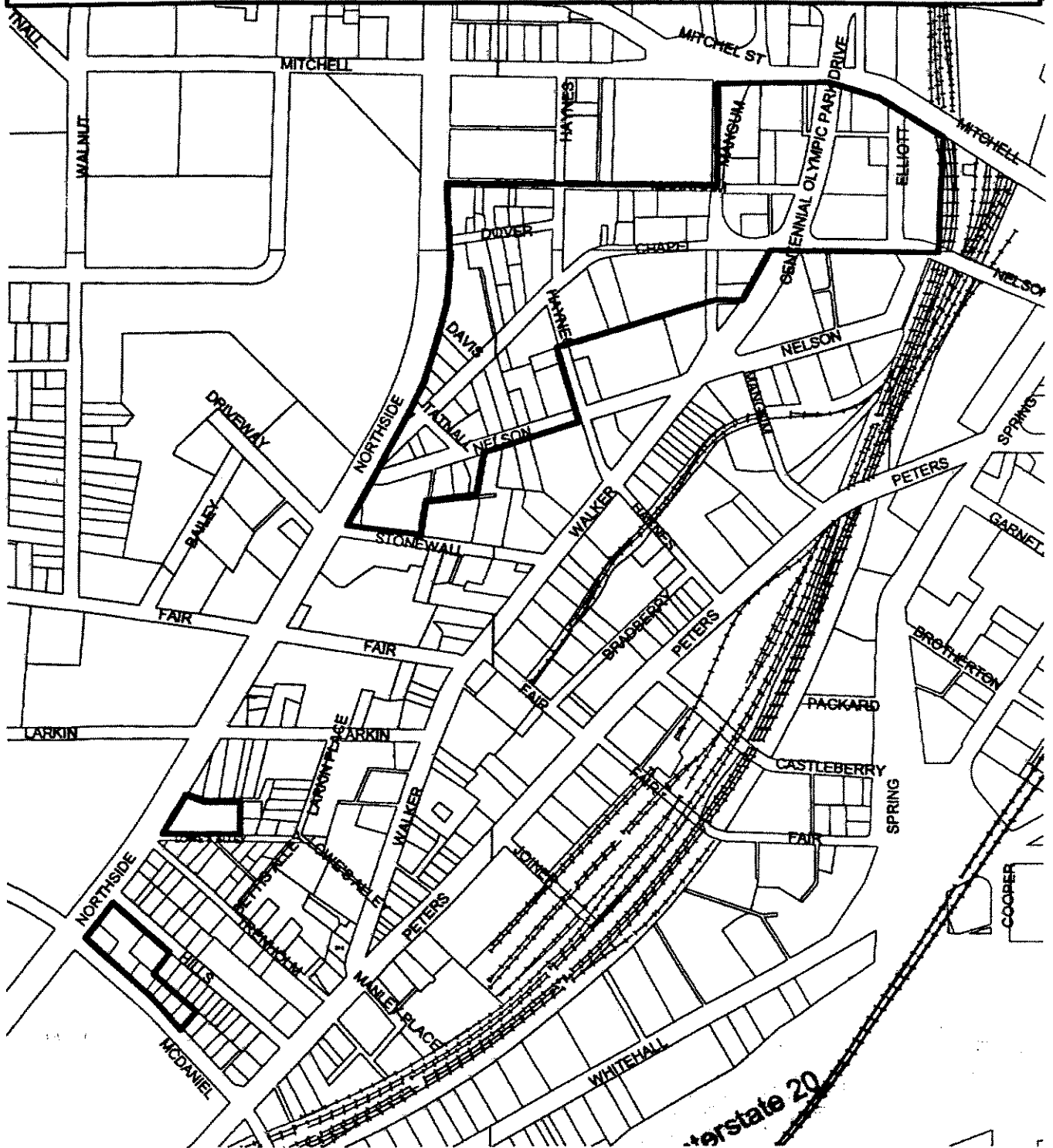
SPECIFIC MRC-2-C CONDITIONS

1. Maximum building heights.

Structures or portions of structures shall have a maximum height of 52 feet within 150 feet of the Castleberry Hill Landmark District boundaries or any contributing buildings outside of the Landmark District with a maximum height of 70 feet beyond 150 feet of the Castleberry Hill Landmark District boundaries.



Map produced by Sm
Atlanta Urban Design
Corporation, 2015/2016.



RCS# 381
7/05/06
6:02 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-O-0784 Z-06-42
06-O-0785 Z-06-43
ADOPT AS AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

Per Condition #5

06-0-0785

(Do Not Write Above This Line)

AN ORDINANCE

2-26-43

THE COUNCILMEMBER IVORY LEE YOUNG, JR.
AN ORDINANCE TO REZONE FROM C-3-C (CENTRAL BUSINESS SUPPORT-CONDITIONAL), I-1 (LIGHT INDUSTRIAL) AND SP-1 (SPECIAL PUBLIC INTEREST CENTRAL CORE) TO MRC-2-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL), CERTAIN PARCELS LOCATED IN THE CASTLEBERRY HILL NEIGHBORHOOD, AND FOR OTHER PURPOSES.

ADOPTED BY

JUL 0 5 2006

COUNCIL

7/5/06
AS AMENDED BY Roll Call Vote

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 03/20/06
Referred To: 328 & 1st Avenue
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JUL 0 5 2006

CERTIFIED
JUL 0 5 2006

Mayor's Signature
Municipal Clerk

MAYOR'S ACTION

APPROVED

JUL 12 2006

MAYOR

RCS# 1343
7/16/07
4:45 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

07-O-1454, 07-O-1455, 07-O-1456

REFER ZRB/ZONE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 2
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
E Hall	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	E Muller	Y Sheperd	NV Borders

MULTIPLE